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ACTION IO-19  
INFO LOG-00 AF-01 AMAD-01 ARA-01 CIAE-00 C-01 DODE-00  
EAP-01 EUR-01 HA-09 H-01 INRE-00 INR-01 L-03  
ADS-00 MOFM-01 MOF-03 NEA-01 NSAE-00 NSCE-00 OIC-02  
OIG-01 OMB-01 PA-02 PM-01 PRS-01 P-01 SNP-01  
SP-01 SS-01 TRSE-00 T-01 USIE-00 /057W  
-----4AA75D 160119Z /38

P 160113Z JUL 92  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC PRIORITY 4685  
INFO AMEMBASSY KUWAIT PRIORITY  
UN SECURITY COUNCIL COLLECTIVE  
ARAB LEAGUE COLLECTIVE

UNCLAS SECTION 01 OF 02 USUN NEW YORK 02987  
AMMAN FOR RICCIARDONE; LONDON FOR N JOHNSON  
E.O.12356: N/A

TAGS: [PREL](#) [PBTS](#) [UNSC](#) [KU](#) [IZ](#)

SUBJECT: IRAQ DECIDES NOT TO PARTICIPATE IN UN BOUNDARY  
- DEMARCATION COMMISSION SESSION

REF: USUN 2977

¶1. FOR THE RECORD WE PROVIDE THE FULL TEXT OF THE IRAQI  
FM'S JULY 12 LETTER (S/24275, FAXED TO IO/UNP),  
SUMMARIZED REFTEL, IN WHICH IRAQ ANNOUNCES THAT IT WILL  
NOT PARTICIPATE IN THE CURRENT SESSION OF THE UN  
BOUNDARY DEMARCATION COMMISSION IN NEW YORK.

¶2. BEGIN TEXT:  
LETTER DATED 12 JULY 1992 FROM THE MINISTER FOR FOREIGN  
AFFAIRS OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL  
I HAVE THE HONOUR TO INFORM YOU THAT WE HAVE BEEN  
NOTIFIED THAT THE BOUNDARY DEMARCATION COMMISSION HAS  
DECIDED TO HOLD ITS SIXTH SESSION AT NEW YORK BETWEEN 15  
AND 24 JULY 1992. ON THIS OCCASION, I SHOULD LIKE TO REFER TO THE LETTER  
THAT I ADDRESSED TO YOU ON 21 MAY 1992 CONCERNING THE  
DECISIONS ADOPTED ON 14 APRIL 1992, AT ITS FIFTH  
SESSION, BY THE COMMISSION YOU APPOINTED ON THE MATTER  
OF THE BOUNDARY (S/24044, ANNEX). IN THAT LETTER, I SET  
FORTH IN DETAIL THE VIEWPOINT OF THE GOVERNMENT OF IRAQ  
ON THIS GRAVE MATTER IN VIEW OF ITS VITAL IMPORTANCE TO  
THE INTERESTS OF IRAQ AND OF OTHER REGIONS OF THE WORLD  
THAT EXPERIENCE INTERNATIONAL DISPUTES REGARDING  
BOUNDARIES. IN THAT LETTER, I ELUCIDATED HOW THE  
SECURITY COUNCIL HAD, IN AN UNPRECEDENTED MANNER,  
INTRUDED THE ISSUE OF THE BOUNDARY BETWEEN IRAQ AND  
KUWAIT INTO ITS RESOLUTION 687 (1991) BY IMPOSING ON IT  
A PARTICULAR STATUS, WHILE IT IS UNIVERSALLY ACCEPTED IN  
LAW AND IN PRACTICE AS THEY RELATE TO INTERNATIONAL  
INTERCOURSE THAT BOUNDARY ISSUES ARE LEFT TO AGREEMENT  
BETWEEN STATES BECAUSE THIS IS THE ONLY BASIS CAPABLE OF  
ENSURING THE PRINCIPLE OF BOUNDARY STABILITY. I ALSO  
EXPLAINED HOW CERTAIN VERY VITAL ASPECTS OF THE  
ARRANGEMENTS THAT HAD BEEN MADE BY THE SECRETARY-GENERAL  
OF THE UNITED NATIONS TO ACHIEVE THE OBJECTIVE ENJOINED  
BY THE SECURITY COUNCIL WITH REGARD TO SO-CALLED  
BOUNDARY DEMARCATION DID NOT ENSURE JUSTICE AND FAIRNESS  
BY STRIKING A BALANCE BETWEEN THE POSITIONS OF THE TWO  
PARTIES AND MAINTAINING THEIR EQUALITY. THOSE ASPECTS  
INCLUDED THE WAY THE DEMARCATION COMMISSION WAS FORMED,  
THE MANNER IN WHICH IT UNDERTOOK ITS TECHNICAL WORK, THE  
MANNER IN WHICH IT TOOK DECISIONS, THE NATURE AND  
PURPOSE OF THOSE DECISIONS AND OTHER IMPORTANT MATTERS.  
AS YOU KNOW, IN MY LETTER I ADDRESSED IN DETAIL ONE  
EXAMPLE OF THE MANNER IN WHICH THE COMMISSION REACHED A  
MAJOR DECISION ON A MATTER OF SUBSTANCE CONCERNING THE  
GENERAL COURSE OF THE BOUNDARY LINE ON THE BASIS OF A  
CARTOGRAPHIC VIEWPOINT THAT RELIED FUNDAMENTALLY ON  
BRITISH CORRESPONDENCE AND MAPS GOING BACK TO THE PERIOD  
WHEN BRITAIN WAS THE COLONIAL POWER DOMINATING THE  
REGION. IN THIS CONNECTION, I STATED ALSO HOW THE  
COMMISSION HAD ADOPTED THIS APPROACH AS A GENERAL ONE  
AND THAT, INSTEAD OF EXERCISING PATIENCE IN REACHING  
DECISIONS AND AWAITING THE PRESENTATION OF THE DOCUMENTS

AND NOTES REFERRED TO BY THE REPRESENTATIVE OF IRAQ, IT PREVENTED THAT FROM TAKING PLACE BY ADOPTING SUBSTANTIVE AND TECHNICAL DECISIONS WITH NOTABLE HASTE AND DISPATCH UNDER THE INFLUENCE OF EVIDENT PRESSURE FROM THE

REPRESENTATIVE OF THE REGIME OF KUWAIT. THE DECISIONS WERE THE OUTCOME OF ANSWERS TO LEADING QUESTIONS ADDRESSED TO THE TWO EXPERTS WHICH LED TO PROPOSALS MERELY FOR THE ANSWER ELICITED WITHOUT REGARD FOR THE PROPER LOGIC OF THE RULES OF PROCEDURE AND THE INTERRELATED CHARACTER OF THE SUBSTANCE OF THE ISSUES ADDRESSED. THE COMMISSION THUS ENDED UP ADOPTING DECISIONS THAT WERE ONE-SIDED IN RESPECT OF SOURCE AND CONTENT.

AS YOU KNOW, I CALLED ATTENTION TO THE FACT THAT THE COMMISSION HAD ACCORDED THE REPRESENTATIVE OF THE REGIME OF KUWAIT THE OPPORTUNITY TO RAISE THE QUESTION OF THE DEMARCATION OF THE MARITIME BOUNDARY IN THE KHOR ABDULLAH DESPITE THE FACT THAT THE COMMISSION'S MANDATE DID NOT EXTEND TO THAT MATTER, IN THE VIEW OF THE TWO INDEPENDENT EXPERTS AS SUPPORTED BY THE CHAIRMAN OF THE COMMISSION, IN AN OBVIOUS ENDEAVOUR TO SECURE THE DESIRES OF THE RULERS OF KUWAIT AT THE EXPENSE OF THE HISTORIC RIGHTS OF IRAQ AND ITS VITAL NAVIGATIONAL INTERESTS.

I ALSO MADE IT CLEAR TO YOU THAT THE ACTUAL REALITY OF THE WORK OF THE COMMISSION IN THE FIELD IS UNEQUIVOCAL TESTIMONY TO THE FACT THAT A FUNDAMENTAL DECISION OF THE COMMISSION WAS IMPLEMENTED IN A MANNER INCOMPATIBLE WITH ITS OWN TENOR BY THE REPRESENTATIVE OF THE REGIME OF KUWAIT AND HIS EXPERTS PARTICIPATING IN THE WORK ON THE GROUND AND THAT THE WORK OF THE COMMISSION HAS NOT BEEN SAFE FROM DIRECT INTERVENTION BY THE SECRETARIAT. THUS, THE FINAL OUTCOME OF ALL THIS ACTIVITY IS THE ESSENTIAL FACT THAT THE MATTER OF DEALING WITH BOUNDARIES WAS JUSTIFIED AND SET IN MOTION IN ACCORDANCE WITH A PREDETERMINED COURSE SO AS TO CULMINATE IN DECISIONS IMPOSED ON IRAQ WITHOUT ANY REGARD FOR ITS INTERESTS AND ALL THE EVIDENCE THAT SUPPORTS THEM AND LEAVING NO SCOPE FOR JUSTICE AND FAIRNESS TO IRAQ'S TERRITORIAL INTERESTS WE STILL BELIEVE, AS I INDICATED IN MY LETTER, THAT THE OUTCOME OF THE COMMISSION'S WORK IS A PURELY POLITICAL DECISION IMPOSED BY THE POWERS THAT TODAY CONTROL THE SECURITY COUNCIL AND THE UNITED NATIONS, IN PARTICULAR THE GOVERNMENTS OF THE UNITED STATES AND THE UNITED KINGDOM. THE POLITICAL OBJECTIVE OF THE DECISION IS CLEAR, AND IT IS NOT ONLY TO DEPRIVE IRAQ OF ITS RIGHTS AND DAMAGE ITS VITAL INTERESTS BUT ALSO DELIBERATELY TO CREATE A PRESENCE OF AMERICAN AND BRITISH ARMED FORCES AND MILITARY BASES SO THAT THEY MAY CONTINUE TO BLACKMAIL THE EXISTING REGIMES AND TO PLUNDER OIL RESOURCES.

AFTER PROLONGED STUDY OF ALL THE FACTORS AND CIRCUMSTANCES, IT IS CLEAR TO US THAT THE VIEWS OF IRAQ WILL NOT BE HEARD IN THE COMMISSION AND THAT IT WILL NOT PROVIDE AN OPPORTUNITY FOR A HEARING REGARDLESS OF ANY EFFORTS WE MAKE TO CREATE AN OBJECTIVE AND IMPARTIAL ATMOSPHERE FOR ITS WORK. THIS IS BECAUSE A PRIOR AND BIASED DECISION HAS BEEN TAKEN TO HARM IRAQ'S INTERESTS AND DENY ITS HISTORIC RIGHTS ON THE PART OF THOSE COUNTRIES THAT PLANNED THE COMMISSION'S WORK. AMONG THE SALIENT FACTS THAT CONFIRM THIS CONCLUSION IS THAT THE SECURITY COUNCIL WAS INFORMED OF THE LETTER WHICH WE ADDRESSED TO YOU, AND INSTEAD OF ITS TENOR PROVIDING AN INCENTIVE TO CAREFUL CONSIDERATION AND FAIR INVESTIGATION, THE COUNTRIES TO WHICH WE HAVE REFERRED RESORTED TO INDUCING THE COUNCIL TO ADOPT A STATEMENT BY ITS PRESIDENT WHICH CONTAINED ONLY INTERPRETATIONS LACKING IN OBJECTIVITY AND THREATS.

FOR THE REASONS SET FORTH ABOVE, WE FEEL THAT OUR PARTICIPATION IN THE MEETING OF THE COMMISSION WOULD BE TO NO AVAIL.

(SIGNED) AHMAD HUSSEIN  
MINISTER FOR FOREIGN AFFAIRS  
OF THE REPUBLIC OF IRAQ  
END TEXT.

